

Washington State On-Site Wastewater Rule Development Committee

January 23, 2003 (Meeting # 8 notes)

SeaTac Occupational Skills Center
18010 8th Avenue South, SeaTac, Washington

Contained in these meeting notes:

Attendance

Meeting notes

Handouts: O&M Questionnaire

Committee Discussion Guide Issue #5: Permitting and Inspection

Committee Discussion Guide Issue #6: Program Support

Committee Discussion Guide Issue #7: Repair of Failures

Attendance:

<i>Representation</i>	<i>Members / Alternates</i>	<i>2/13</i>	<i>3/28</i>	<i>5/22</i>	<i>7/17</i>	<i>9/19</i>	<i>10/24</i>	<i>12/12</i>	<i>1/23</i>	<i>3/13</i>	<i>4/24</i>	<i>5/8</i>	<i>6/?</i>
WA Assoc of Realtors	Slough, Frederick	+	+	+	+		+						
	Stout, Larry		+										
Building Industry of WA	Stanton E.C.	+	+	+		+		+					
	Kunkel, Jenn (T. Neal)	+		+	+	+	+	+	+				
On-Site Wastewater Designer	Wecke,r, Steve	+	+	+	+	+		+	+				
	Lombardi, Pete	+					+	+					
On-Site Wastewater Installer	Stuth, Jr., Bill	+	+	+	+	+	+	+	+				
	Stonebridge, Jerry	+											
Certified Proprietary Device Specialist	Garrison, Carl	+	+	+	+	+	+	+	+				
	Morris, Mike												
OSS Pumper/O&M Specialist	Tacia, Reed	+	+	+	+	+	+	+	+				
	Markle, Steve	+	+			+	+	+	+				
Proprietary Products At-Large	Patterson, Jim	+	+	+		+	+	+	+				
Planning WA Assoc of Counties	Shuttleworth, Mike		+	+	+	+	+		+				
Local Health Jurisdictions (Westside-Urban)	Deeter, Jerry	+	+	+	+	+	+	+	+				
	Starry, Art	+			+		+		+				
Local Health Jurisdictions (Westside-Rural)	Higman, Keith		+				+	+					
	Fay, Larry	+			+		+	+					
Local Health Jurisdictions (Eastside-Urban)	Perkins, Bruce		+	+					+				
	Dawson, Rick	+	+	+	+	+	+		+				
Local Health Jurisdictions (Eastside-Rural)	Barry, Kevin	+	+	+	+	+	+		+				
	Wolpers, John												
Soil Scientist	Cogger, Craig						+	+	+				
	Hermann, C			+									
Puget Sound Water Quality Action Team	Hull, Terry	+	+	+	+	+	+	+	+				
Indian Health Services	Dalton, Robin	+	+	+	+	+							
WA Shellfish Industry	Dewey, Bill			+	+	+	+		+				
	Taylor, Bill					+		+					
WA Dept of Ecology	Kimsey, Melanie		+		+	+	+		+				
	Shaleen-Hansen, Mary	+					+						
WA Assoc of Water & Sewer Dist	Hart, James		+	+		+							
	Wiggins, Margaret	+	+										
Consumer	Smith, Denise	+	+	+	+	+	+		+				
	Salkind, Mark	+	+	+		+	+	+	+				
WA Dept of Health	Soltman, Mark	+	+	+	+	+	+	+	+				
People for Puget Sound	Wishart, Bruce												
WA Public Utilities Districts	Kukuk, Ken												
	Robertson, Robbie												
Professional Engineer	Yuhl, Mike	+	+	+		+	+	+					
Tribal Government	McMurtrie, Doug	+	+	+	+	+	+		+				

+ Present at meeting, **Members** Alternates

Washington State On-Site Wastewater Rule Development Committee

January 23, 2003 (Meeting # 8 notes)

RDC Meeting Agenda January 23, 2003
1. Operation and Maintenance.
2. Issues 5, 6 and 7.

RULE DEVELOPMENT COMMITTEE NOTES

Meeting Flip Chart notes: (unedited) Question and Element numbers refer to Handout “ O&M Questionnaire ”, which follows at the end of the meeting notes.	Staff notes:
<u>Housekeeping</u> <ul style="list-style-type: none">• Add April 24th meeting OK• Add June meeting OK	A draft rule development process and timeline, and a rule development committee activity timeline were distributed. Two extra RDC meetings were added to the schedule.
O&M Element 2 Question 2a. Identifiable areas or conditions rules should address? Require specific O&M activities? 2b. What O&M activities to add? Staff to do work within context of Areas of Special Concern—looking at various considerations raised	The RDC continued to work through the O&M Questionnaire developed by staff to focus discussion on the policy issues. A revised draft was distributed that incorporated decisions made at the December 12 RDC meeting. Element # 2 Management Oversight and Reporting The committee felt that there are areas or conditions of high risk that the rule should address and asked for further analysis for discussion in March.
O&M Element 2 Question 3. Where should detailed requirements for O&M be placed?	Not discussed
O&M Element 3 3. Should the homeowner be required in state rule to maintain a local operating permit to assure that complex systems and those on limited sites receive proper operation, maintenance and monitoring? Staff look at using installation permit as an operating permit and title recording and report back. (Agreed)	Element # 3 System Owner Responsibility The pros and cons of implementing an operating permit were discussed at length.

Washington State On-Site Wastewater Rule Development Committee

January 23, 2003 (Meeting # 8 notes)

Meeting Flip Chart notes: (unedited) Question and Element numbers refer to Handout “O&M Questionnaire”, which follows at the end of the meeting notes.	Staff notes:
<p>O&M Element 3</p> <p>4. Should detailed provisions of local operating permits be addressed only in local jurisdiction rules and regulations?</p> <p>5. If no, what to add?</p>	<p>Not discussed</p>
<p>O&M Element 4</p> <p>4. Direct DOH to develop Q&SOP guidance and model local certification program – Yes</p> <p>1. Ask that SBOH pursue licensure for installers, pumpers and O&M providers that preserves local component—Yes</p> <p>2. Add O&M providers to current rule to treat as installers and pumpers are – require LHJ approval – Yes</p> <p>3. Prescribe Q&SOP would include Testing Experience Training ...at a minimum, LHJ approval processes (The RDC struck this question for later discussion)</p>	<p>O&M Element # 4 Education-Practitioner Licensing and Certification</p> <p>Qualifications and scope of practice (Q&SOP)</p> <p>RDC discussed the 1998 report to the legislature recommending licensure of all on-site professionals. As a result of this work all designers are required to be licensed by the state Department of Licensing. An evaluation of this licensing requirement will be conducted in 2004.</p> <p>The question of adding rule requirements for how LHJs certify practitioners was set aside.</p>
<p><u>Current rule</u></p> <p>Installers: Approved by LHO DOH to provide guidance</p> <p>Pumpers: Approved by LHO DOH to provide guidance</p> <p>O&M providers: DOH to provide guidance</p>	<p>These notes were added for clarification.</p>

Washington State On-Site Wastewater Rule Development Committee

January 23, 2003 (Meeting # 8 notes)

Meeting Flip Chart notes: (unedited) Question and Element numbers refer to Handout “O&M Questionnaire”, which follows at the end of the meeting notes.	Staff notes:
O&M Element 5 4. Should a few basic requirements (for O&M service processes, procedures, schedules) such as minimum service frequency, monitoring requirements and reporting schedules be placed in rule? 5. If so, what to add? <ul style="list-style-type: none">• Minimum monitoring frequency of 1 year for systems designed to meet _____ (insert treatment standard)• Submit specific proposals to Jane for next meeting	Element # 5 O&M processes, procedures and schedules Discussion but no decision. RDC members to submit proposals to Jane for discussion in March meeting. Parked ideas: Change requirement to connect to sewer if available within 200 feet of a failing on-site system.
	Committee Discussion Guides were distributed and follow at the end of the meeting notes: Issue # 5 Permitting and Inspecting Issue # 6 Program Support Issue # 7 Repair of Failures These will be discussed for decision in March.

Meeting evaluation: Worked well.

These could be improved: Eliminate debriefing, and circular discussions (People are repeating themselves).

Future meetings:

March 13, 2003

April 24, 2003

May 6, 2003

June (TBD)

Washington State On-Site Wastewater Rule Development Committee

January 23, 2003 (Meeting # 8 notes)

On-Site Rule Development Committee

January 23, 2003

O&M Questionnaire

UPDATE - This document has been updated to include some of the discussion and the decisions made at the December 12th meeting. Where agreements were reached, the selection is highlighted. For some issues where no decision was reached, new questions have been added to assist the committee in further discussion.

The purpose of this questionnaire is to focus the committee's discussion on **policy issues** in order to provide direction to support staff for writing rule language relating to Operation and Maintenance (O&M).

The RDC discussion of O&M issues has been divided into five elemental areas:

1. System Design Elements (Intended to facilitate OM&M procedures)
2. Management Oversight & Reporting
3. System Owner Responsibility
4. Education—Practitioner Licensing and Certification
5. OM&M processes, procedures, forms, schedules, etc.

Element #2: Management Oversight and Reporting

Background—

The current rule directs local health officers to develop and implement plans for O&M with no prescriptive requirements. It goes on to list the things a local health officer may require of a homeowner, leaving full discretion with the health officer.

Comments from RDC members—

Comments on this subject range from “leave this alone” to suggesting prescriptive requirements of local health jurisdictions for specific O&M activities.

Issues & Questions—

1. Should local O&M programs focus resources on sites with greater limitations and more complex systems?

Yes, LHJs should devote a greater share of resources to these sites

~~No, LHJs should focus resources on all sites equally.~~

The decision as to how and where to focus resources should remain at the local level.

2. Individual on-site sewage systems are called upon to address variable degrees of site limitation, and the on-site sewage systems used range in complexity. All systems need some level of O&M, but should the level of O&M be the same for all sites?

~~Yes, O&M requirements should be the same for all sites, established in state rules~~

~~Yes, O&M requirements should be the same for all sites, established by LHJs.~~

Washington State On-Site Wastewater Rule Development Committee

January 23, 2003 (Meeting # 8 notes)

No, O&M requirements should differ with the degree of site limitation and system complexity and be established in state rules.

No, O&M requirements should differ with the degree of site limitation and system complexity and established by LHJs. **With guidance from DOH and others.**

Question 2 Follow-up Questions

The outcome of question #2, above, would suggest that in all situations LHJs be charged and authorized to establish O&M requirements for all levels of site risk and system complexity.

- 2a. Are there identifiable areas or conditions of high risk that the rules should address, such as threatened drinking water sources or shellfish harvesting areas? In such areas, should the rules require specific O&M-related activities?

Yes

No

2b. If you said Yes to Question #2a: "What specific O&M-related activities would you specifically add to the subsection on "Management Oversight and Responsibility," and why?

3. Where should detailed requirements for local O&M programs be placed?
- A) State rules should require LHJs to develop O&M programs that have specific elements, such as:
 - ☐ consumer education & outreach activities
 - ☐ computer inventory & tracking capacity
 - ☐ increasing levels of management to address increasingly limited sites and complex systems,, such as Operating Permits and / or Service Contracts
 - B) State rules should only require LHJs to have an O&M program without prescriptive requirements (current approach).
 - C) State rules should not require LHJs to have an O&M program and place any suggestions in guidance documents only.

No Clear Decision – Options discussed by the Committee:

- A) Maintain current language re: requirements for LHJs.
- B) Add to rule desired outcomes of O&M programs - Educate owners, identify system by location and type, identify failures, assure timely repairs (require that outcomes be described in rule, but specific details placed in guidance).
- C) Require LHJs to have an O&M program to minimize contamination of surface and ground water from failing or improperly maintained OSS.
- D) Require LHJs to develop an OM&M program based on risk factors identified by DOH and supported by DOH OM&M standards and guidance.

Washington State On-Site Wastewater Rule Development Committee

January 23, 2003 (Meeting # 8 notes)

Element #3: System Owner Responsibility

Background—

The current rules list some basic responsibilities for homeowners—tank inspecting & pumping, protecting OSS area & reserve area, keeping sewage flow within design range. Another subsection describes things that may be required of them by local health officers (LHOs) such as operating permits, service contracts, or 3rd party management

Comments from RDC members—

- Operation is the responsibility of homeowner.
- Sites with greater limitation and/or systems with greater complexity need greater assurance of monitoring and maintenance, such as through the use of operating permits and/or service contracts.
- Provide access for monitoring & maintenance.

Issues & Questions—

1. Do you agree or disagree with the following statement: Proper operation of an on-site sewage treatment system is the responsibility of the system owner.

Agree

~~Disagree~~

2. Should complex on-site sewage systems require monitoring, maintenance, and servicing by trained and qualified personnel?

Yes

~~No~~

3. Should the homeowner be required in state rule to maintain a local Operating Permit, to assure that complex systems and those on limited sites receive proper operation, monitoring and maintenance?

Yes, all homeowners should be required

Yes, but only for limited sites and/or complex systems

No, the decision should remain at the local level as to whether or not homeowners are required to maintain a local operating permit

Discussed, but no agreement

4. Should the detailed provisions of local Operating Permits be addressed only in local jurisdiction rules and regulations?

Yes, leave detailed provisions up to LHJs

No, some basic requirements for operating permits should be included in state rule.

Discussed, but no agreement

5. If you said No to Item #4: “What additional items would you specifically add to the subsection on “System Owner Responsibility,” and why?

Not Discussed

Element #4: Education – Practitioner Licensing and Certification

This issue was set aside for further discussion in January after review of the 1998 certification report to the legislature.

Washington State On-Site Wastewater Rule Development Committee

January 23, 2003 (Meeting # 8 notes)

Background—

Unlike the current requirements for designers or installers, there is no current requirement that O&M practitioners / service providers be approved or certified at the state or local level. Local health jurisdictions are required, as part of their O&M programs, to provide technical assistance and information to on-site sewage system owners.

Comments from RDC members—

- ◉ Update section to reflect DOL program for designers & inspectors
 - ◉ Address standards of practice for remaining on-site practitioners: installers, pumpers, service providers
 - ◉ Greater emphasis should be placed on assuring that homeowners have the information they need to properly operate and maintain their systems.

Issues & Questions—

1. Should the qualifications and scope-of-practice for installers be established?
Yes, in state rule
Yes, in guidance
No, leave up to LHJs
2. Should LHJs license and certify installers?
Yes, under independent local government programs
Yes, under a coordinated local government program for statewide reciprocity
No, DOH should license and certify installers.
3. Should the qualifications and scope-of-practice for pumpers be established?
Yes, in state rule
Yes, in guidance
No, leave up to LHJs
4. Should LHJs license and certify pumpers?
Yes, under independent local government programs
Yes, under a coordinated local government program for statewide reciprocity
No, DOH should license and certify pumpers.
5. Should the qualifications and scope-of-practice for O&M service providers be established?
Yes, in state rule
Yes, in guidance
No, leave up to LHJs
6. Should LHJs license and certify O&M service providers?
Yes, under independent local government programs
Yes, under a coordinated local government program for statewide reciprocity
No, DOH should license and certify O&M service providers.
7. Proprietary product manufacturers may have a role in assuring the training or certification of service providers and installers in regards to their products. Should proprietary product manufacturers' role in assuring training of public and private sector OSS practitioners be established?

Yes, in state rule

~~Yes, in guidance~~

Washington State On-Site Wastewater Rule Development Committee

January 23, 2003 (Meeting # 8 notes)

~~No, it should be left to the manufacturer's discretion.~~

Element #5: O&M processes, procedures, schedules

Background—

Currently, the on-site rule provides little direction regarding schedules for service or the processes or procedures to follow when monitoring or servicing on-site systems or components. Annual inspection of on-site systems serving food service establishments is established in rule. Septic tank inspection every three years is also required for residential systems. O&M processes, procedures, and schedules are, to a mild and varying degree, addressed in existing Recommended Standards and Guidance documents for approved alternative systems.

Comments from RDC members—

- ◎ Systems using pumps need annual inspection by qualified personnel

Issues & Questions—

1. Do you agree or disagree with the following statement. In addition to trained and qualified service providers, detailed processes, procedures, and service schedules are needed for on-site sewage treatment systems and components.

Agree

Disagree

2. Should on-site sewage system product and component manufacturers be responsible for the development and distribution of detailed processes, procedures and service schedules for their products?

Yes, in state rule

~~Yes, but not in state rule~~

~~No~~

3. Should the Department of Health, through the work of the Technical Review Committee, be responsible for the development of detailed O&M processes, procedures and service schedules for public domain systems and components as part of the "Recommended Standards & Guidance" series of technical assistance documents.

~~Yes, in state rule~~

Yes, but not in state rule

~~No~~

4. The details of proprietary product service processes, procedures, and schedules are best presented in manufacturer publications and the details of public domain system service processes, procedures, and schedules are best presented in DOH / TRC Recommended Standards & Guidance. However, should a few basic requirements, such as minimum service frequency, monitoring requirements, and reporting schedules be established in statewide SBOH rules?

Yes

No

Discussed, but no decision – some confusion about the question...see revised question, above.

5. If you said Yes to Item #4, what additional items would you specifically add to the rules and why?

Washington State On-Site Wastewater Rule Development Committee

January 23, 2003 (Meeting # 8 notes)

Not discussed.

Washington State On-Site Wastewater Rule Development Committee

January 23, 2003 (Meeting # 8 notes)

Onsite Rule Development Committee

January 23, 2002

Committee Discussion Guide

Issue #5: Permitting and Inspecting

There are several elements of the rules that relate to this key issue. For discussion purposes, these elements are:

- ◉ The waiver of state regulations.
- ◉ Requirements for inspecting systems on-site sewage systems
- ◉ Requirements for permitting on-site sewage systems
- ◉ The use of holding tanks

After review of the comments received and the issues raised, committee support staff have identified that there are two policy level issues that would benefit from committee discussion and recommendation. These are:

1. The rule provisions for waiver of state regulations, unlike any other portion of the state on-site sewage system rules, are supported by specific legislative direction (RCW 70.05.072. Somewhat atypically, however, the administrative code language was adopted by the SBOH prior to the legislative / statutory action. As a result the language in the rule is not entirely consistent with the statute.

To increase consistency between the statute and the administrative code, Kelly recommends replacing the language of 246-272-25001 WAC with the detailed language of 70.05.072 RCW.

2. The existing rule requires that the local health officer make at least one visit to each permitted site at some point during the permitting process. This visit may be during “the site evaluation, construction, or final construction inspection”.

Should the local health officer have a greater presence at the site during the different phases of design and construction?

Yes

No

3. The remaining items identified as part of Issue #5 (permitting and holding tanks) received few comments, suggesting that these are minor issues that may not require much, if any committee discussion time. Kelly will work on editorial revision for consistency with Administrative Procedures Act requirements, simplicity and increased clarity.

Washington State On-Site Wastewater Rule Development Committee

January 23, 2003 (Meeting # 8 notes)

Onsite Rule Development Committee

January 23, 2002

Committee Discussion Guide

Issue #6: Program Support

There are several elements of the rules that relate to this key issue. For discussion purposes, these elements are:

- ◉ DOH fee-for-service schedule of fees.
- ◉ DOH advisory committees: Technical Review Committee and On-Site Advisory Committee.
- ◉ Certification of on-site practitioners.

After review of the comments received and the issues raised, committee support staff has identified the following:

1. Fees that the department charges for various services are established by DOH through a separate rule development process (not part of the State Board of Health rule). As such, no action is required by the RDC at this time relative to this item.
2. The topic of advisory committees received few comments from RDC members, suggesting that this is a minor issue that may not require much, if any committee discussion time. Kelly will work on editorial revision for consistency with Administrative Procedures Act requirements, simplicity and increased clarity.
3. The committee has already discussed certification of practitioners during their work on Operation & Maintenance issues.

Washington State On-Site Wastewater Rule Development Committee

January 23, 2003 (Meeting # 8 notes)

Onsite Rule Development Committee

January 23, 2002

Committee Discussion Guide

Issue #7: Repair of Failures

There are several elements of the rules that relate to this key issue. For discussion purposes, these elements are:

- ◉ Repair of failures
- ◉ Connecting to sewer
- ◉ Abandoning on-site sewage systems

Based on their review of the comments received and the issues raised, committee support staff have identified that there are policy-related matters to discuss regarding repair of failures. There exists a strong link between requirements for repair of failures and the establishment of technical treatment standards. For this reason the committee support staff recommends that the RDC temporarily postpone discussion of this topic until the Technical Review Committee completes their work and makes their recommendations regarding treatment standards and their application.

The remaining items identified as part of Issue #7 (connecting to sewer and abandoning on-site sewage systems) received few comments, suggesting that these are minor issues that may not require much, if any committee discussion time. Kelly will work on editorial revision for consistency with Administrative Procedures Act requirements, simplicity and increased clarity.